

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO VIERA-ESPINO,

Defendant.

Case No. 18-CR-27-1-JPS

**ORDER**

On February 13, 2018, the grand jury returned an Indictment, charging Defendant in five of six counts. (Docket #6). On October 17, 2018, the parties filed a plea agreement indicating that Defendant agreed to plead guilty to one count of heroin distribution, in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C) and 18 U.S.C. § 2 (Count Two), as well as a count of possessing a firearm in furtherance of drug trafficking, in violation of 18 U.S.C. § 924(c)(1)(A)(i) (Count Four). (Docket #71).

The parties appeared before Magistrate Judge William E. Duffin on October 24, 2018 to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #79). Defendant entered a plea of guilty as to Counts Two and Four of the Indictment. *Id.* After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Duffin determined that the guilty pleas were knowing and voluntary, and that the offenses charged were supported by an independent factual basis containing each of the essential elements of the offense. (Docket #80 at 1).

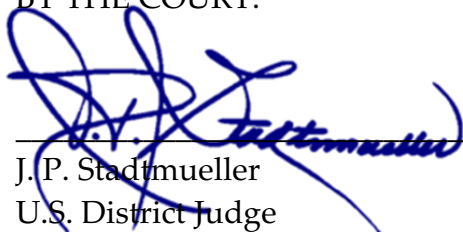
That same day, Magistrate Duffin filed a Report and Recommendation with this Court, recommending that: (1) Defendant's pleas of guilty be accepted; (2) a presentence investigation report be prepared; and (3) Defendant be adjudicated guilty and have a sentence imposed accordingly. *Id.* at 2. Pursuant to General Local Rule 72(c), 28 U.S.C. § 636(b)(1)(B), and Federal Rule of Criminal Procedure 59(b), the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. *Id.* To date, no party has filed such an objection. The Court has considered Magistrate Duffin's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

**IT IS ORDERED** that Magistrate Judge William E. Duffin's Report and Recommendation (Docket #80) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 7th day of December, 2018.

BY THE COURT:



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J. P. Stadtmueller  
U.S. District Judge